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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 15

Oceanair Linhas Aéreas S/A,

Case No. 18-14182 (SHL)

Debtor in a Foreign Proceeding.

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**FOREIGN REPRESENTATIVE'S RESPONSE TO  
MIAMI-DADE COUNTY'S EMERGENCY MOTION FOR  
PROTECTION UNDER § 1522 AND FOR RELIEF FROM § 362 STAY**

Frederico Miguel Preza Pedreira Elias Da Costa ("Mr. Pedreira" or the "Petitioner"), in his capacity as Foreign Representative (the "Foreign Representative") of Oceanair Linhas Aéreas S/A ("Oceanair") in the Brazilian insolvency proceeding pending before the First Bankruptcy Court of the Central Courthouse of the Judicial District of Sao Paulo State Capital [*Direito Da 1ª Vara De Falências e Recuperações Judiciais do Foro Central da Comarca da Capital – Sao Paolo*] (the "Brazilian Bankruptcy Court") under matter number 1125658-81.2018.8.26.0110 (the "Brazilian Insolvency Proceeding"), hereby files this response (this "Response") to Miami-

Dade County's Emergency Motion for Protection under § 1522 and for Relief From Stay (the "Section 1522 Motion"), and respectfully states as follows:

### **BACKGROUND**

On March 14, 2019, Miami-Dade County (the "County") filed an Emergency Motion for Protection Pursuant to Bankruptcy Code Section 1522 seeking entry of an Order, among other things: (i) authorizing the County to set off the cash security deposit against the pre-petition Use Fees owed, and any remaining cash security balance to the post-petition Use Fee balance; (ii) requiring the Debtor to immediately pay to the County all remaining post-petition amounts owed; (iii) authorizing the County to exercise its statutory lien rights and/or cease allowing the Debtor to use MIA's facilities if the Debtor continues to attempt to use MIA but fails to comply with any of the foregoing Orders or fails to continue making daily payments to the County each day for its continued use through the end of March 2019; and (iv) requiring the Debtor to provide the County with an additional security deposit or bond sufficient to cover Use Fees for the balance of March 2019 [the "Motion for Protection"; ECF No. 60].

The parties thereafter engaged in discussions concerning a consensual resolution of the Motion for Protection. The Foreign Representative is pleased to report that the parties have reached a consensual resolution of the Motion for Protection, the terms of which are embodied in the stipulated order annexed hereto as Exhibit A (the "Stipulated Order"). The Foreign Representative respectfully requests that the Court enter the Stipulated Order in resolution of the Motion for Protection.

### **DISCUSSION**

Under the terms of the Stipulated Order, the Foreign Representative, on behalf of the Debtor, has stipulated to a limited lifting of the automatic stay to allow MDAD to set off a

prepetition cash security deposit against the outstanding amounts owed by the Debtor in exchange for the County's withdrawal of the Motion for Protection and agreement to permit the Debtor to operate flights into and out of MIA without interference through the end of the day on April 1, 2019. The Debtor shall continue to be obligated to pay the County the Use Fees identified in the Use Agreement for each day of its use of MIA after the entry of this Order.

### **CONCLUSION**

For the forgoing reasons, the Foreign Representative respectfully requests that the Court enter the Stipulated Order resolving the Motion for Protection.

Dated: March 22, 2019  
New York, New York

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